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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/746,754  | 12/21/2000  | Randall G. Smith     | POLY 8              | 1016             |
| 6980  | 7590        | 09/10/2004           | EXAMINER            |                  |
| TROUTMAN SANDERS LLP<br>BANK OF AMERICA PLAZA, SUITE 5200<br>600 PEACHTREE STREET, NE<br>ATLANTA, GA 30308-2216 |             |                      | BHAT, ADITYA S      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2863                |                  |

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                        |  |
|------------------------------|-----------------|------------------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s) <b>AK</b> |  |
|                              | 09/746,754      | SMITH ET AL.           |  |
|                              | Examiner        | Art Unit               |  |
|                              | Aditya S Bhat   | 2863                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 21-24 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-45 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 21-24, 33-38 and 40 rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis et al. (USPN 5,565,897).

With regards to claim 33, Kikinis et al. (USPN 5,565,897) teaches a calibration process comprising the steps of

- (i) providing a location sensing device, (23; figure 1) (Col. 4, lines 10-12)
- (ii) providing an electronic device, (Col. 4, lines 14-18)
- (iii) initiating the calibration process, (Col. 7, lines 12-16) and
- (iv) performing the calibration of positions between the location, sensing device and the electronic device, the improvement comprising the step of initiating the calibration process at a location distant the electronic device. (Col. 1, lines 14-18)

With regards to claim 37, Kikinis et al. (USPN 5,565,897) teaches a calibration process comprising the steps of

- (i) providing a location sensing electronic device having a location sensing surface, (23; figure 1) (Col. 4, lines 10-12)
- (ii) providing a display device of an electronic device, (13; figure 1) the electronic device in communication with a projection device (47; figure 1) and the location sensing electronic device, the projection device including means for projecting an image on the location sensing electronic device, (Col. 7, lines 11-16)
- (iii) initiating the calibration process, (Col. 7, lines 12-16) and
- (iv) performing the calibration of positions between the location sensing electronic device and the electronic device, the improvement comprising the step of initiating the calibration process at a location distant the electronic device, wherein upon initiating the calibration process, positions between the location sensing surface of the location sensing electronic device and the display device of the electronic device are calibrated. (Col. 1, lines 14-18)

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With regards to claim 2, Kikinis et al. (USPN 5,565,897) teaches the step of detecting a touch comprises detecting actuation of a physical button located on the surface of the location sensing device. (82, 84;figure 4)

With regards to claim 3, Kikinis et al. (USPN 5,565,897) teaches the step of detecting a touch comprises detecting actuation of a physical button located on an exterior frame of the location sensing device. (82, 84;figure 4)

With regards to claim 4, Kikinis et al. (USPN 5,565,897) teaches the step of detecting a touch comprises detecting actuation of a projected button on the surface of the location sensing device. (82, 84;figure 4)

With regards to claim 21-24, Kikinis et al. (USPN 5,565,897) which teaches the actuation of the location sensing electronic device is by stylus actuation or by touch. (Col. 4, lines 10-12)

With regards to claim 34, Kikinis et al. (USPN 5,565,897) teaches the step of initiating the calibration process at a location distant the electronic device (Col.1, lines15-17) comprising initiating the calibration process at the location sensing device.(52;figure 1)

With regards to claim 35, Kikinis et al. (USPN 5,565,897) teaches, the step of initiating the calibration process at a location distant the electronic device comprising initiating the calibration process by voice command.

With regards to claim 36 and 40, Kikinis et al. (USPN 5,565,897), teaches the step of initiating the calibration process at a location distant the electronic device comprising initiating the calibration process by pushing a button at the location sensing device. (52;figure 1) (Col.4, lines 60-65)

With regards to claim 38, Kikinis et al. (USPN 5,565,897) teaches the step of initiating the calibration process at a location distant the electronic device comprising initiating the calibration process with an actuation of the location sensing electronic device. (Col.4, lines 60-65)

With regards to claim 40, Kikinis et al. (USPN 5,565,897), teaches the step of initiating the calibration process at a location distant the electronic device comprising initiating the calibration process by pushing a button at the location sensing electronic device. (Col. 4, lines 10-12)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (USPN 5,565,897) in view of Oberteuffer et al. (USPN 6,438,523).

With regards to claim 39, Kikinis et al. (USPN 5,565,897) teaches the step of initiating the calibration process at a location distant the electronic device comprising initiating the calibration process by voice command.

Although Kikinis et al. (USPN 5,565,897) does not appear to directly teach a voice command input.

Kikinis does teach a means to adjust/calibrate the monitor. (52;figure 1)

It would be obvious to one skilled in the art at the time of the invention to modify Kikinis et al. (USPN 5,565,897) to use a voice command to initiate the calibration process using a voice command (202;Figure 2) taught by Oberteuffer et al. (USPN 6,438,523) in order to calibrate the whiteboard more efficiently.

### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 41-45

The primary reason for the allowance of claim 41 is the inclusion of the method steps of: performing the calibration of positions between the whiteboard and the computer, the improvement comprising the step of initiating the calibration process at a location distant the computer. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 42-45 are allowed due to their dependency on claim 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 21-24, and 33-40 have been considered but are moot in view of the new ground(s) of rejection.

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant claim language used in the rejected claims recite an electronic device, location sensing device and distant. This claim language can be interpreted as ANY electronic device or any location-sensing device. The term distant could be interpreted as 1 inch or 10 feet. A touch screen remote for example could perform the same functions as the claimed invention. Thus the

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primary reason for rejecting claims 1-4, 21-24, 33-38 and 40 is that they do not specify that the location sensing apparatus is a whiteboard, nor do they state that the electronic device is a computer.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elrod et al (USPN 5,495,269) teaches a large area electronic writing system, Tosya (USPN 6323893) teaches a portable conference center, Bates et al. (USPN 5,565,894) teaches a dynamic touch screen button adjustment mechanism, Roberts (USPN 5,376,948) teaches a method and apparatus for touch input computer and related display employing touch force location external to the display, Findlay (EPPA 0 664 505 A2) teaches a touch sensitive display apparatus and Vogeley et al. (USPN 5,422,693) teaches a method and apparatus for interacting with a computer generated projected image.

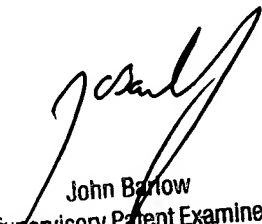
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya S. Bhat  
August 20, 2004



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